

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

BARBARA SCHWAB, et al.,)	
individually; and on behalf of a class of all)	
others similarly situated,)	Case No. CV-0401945 (JBW) (SMG)
)	
Plaintiffs,)	
)	
v.)	
)	
PHILIP MORRIS USA, INC., et al.,)	
)	
Defendants.)	

**[PROPOSED] ORDER GRANTING PLAINTIFFS' MOTION FOR
COLLATERAL ESTOPPEL AND PARTIAL SUMMARY JUDGMENT**

AND NOW, this ____ day of _____, 2005, upon consideration of Plaintiffs' Motion For Collateral Estoppel and Partial Summary Judgment, **IT IS ORDERED** that Philip Morris is precluded from relitigating the finding that it conspired with the other tobacco companies to defraud the American public about the health effects of smoking.

Dated: _____, 2005. _____